



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **05-97**

Date: **November 23, 2005**

Application No. **200501765**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA

SUBJECT: Proposed Wetland Impacts for Commercial Development adjacent to Unnamed Tributary to Crow Branch, Lawrence County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States. Before a permit can be issued, certification must be provided by the state of Alabama, Department of Environmental Management pursuant to **Section 401(a)(1) of the CWA**, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Halstead Contractors, LLC
P.O. Box 23078
Montgomery, Alabama 36123

LOCATION: Wetlands adjacent to Unnamed Tributary to Crow Branch, a tributary to Tennessee River Mile 273.8L, in Moulton, Lawrence County, Alabama (Moulton Quad, lat 34-29-5.100, lon 87-16-25.7880)

DESCRIPTION: The proposed work consists of the discharge of fill material into 2.06 acres of wetlands at the subject location. The subject wetland is mostly comprised of a forested wetland with an emergent marsh area located on the fringe of the forested wetland area. Vegetation mostly includes green ash, American elm, water locust, black willow, poison ivy, trumpet creeper, smartweed, sedges, and rushes.

The applicant indicated that due to the lack of on-site or nearby off-site mitigation areas, they are proposed to purchase mitigation credits from the Flint Creek Wetland Mitigation Bank in Morgan County, Alabama. However, the applicant requests a 1.5:1 ratio to purchase credits from the wetland mitigation bank. The applicant expressed that when the credits are obtained from an approved mitigation bank, it appears that the potential for a deficiency in the mitigation

effort is reduced. The applicant indicated that this would be a “no net loss” of “in kind” wetlands. For this reason, the applicant requests a 1.5:1 ratio.

The location of the proposed work is at the intersection of County Road 460 (Court Street) and Alabama Highway 157. The purpose of the proposed work would be to allow the construction of a new CVS Pharmacy in a location the applicant has indicated would be on a “main and main” type intersection.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites

or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

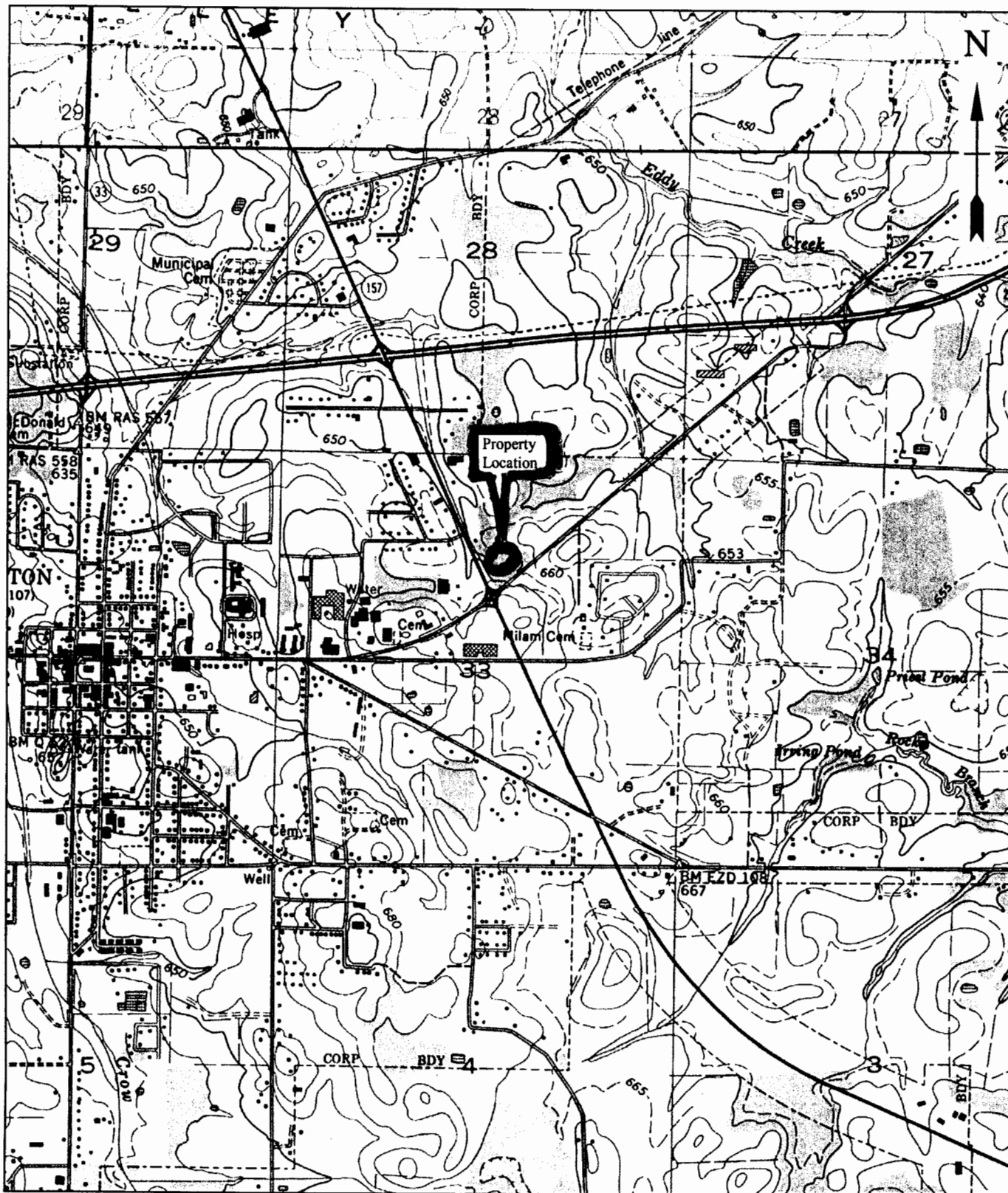
Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) has notified the applicant that a the work would not affect TVA land or landrights; therefore, Section 26a approval would not be required for the proposed work.
- b. Water quality certification from the state of Alabama, Department of Environmental Management, would be required in accordance with Section 401(a)(1) of the Clean Water Act.
- c. A “no-rise” certification from the city of Moulton and/or Lawrence County would be required to ensure the work complies with Federal Emergency Management Agency’s (FEMA) floodplain regulations.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before December 23, 2005, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson at the above address, telephone (615) 369-7509. It is not necessary to comment separately to ADEM since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to ADEM, they should be mailed to Ms. Tonya Mayberry, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463.



Source: 1960, revised 1988. Moulton AL Quadrangle Map

File No. 200501765 , PN 05-97

SCALE: 1:24000

CHECKED BY: ARD

DRAWN BY: LRT

DATE: 7/8/05



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USGS Topographic Map

Project: Proposed Retail Facility

Location: Hwy 157 & CR 460, Moulton, AL

Number: 1751-05-050A

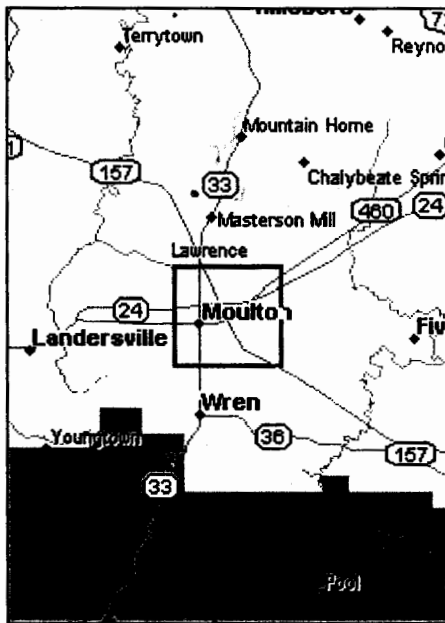
Figure No.

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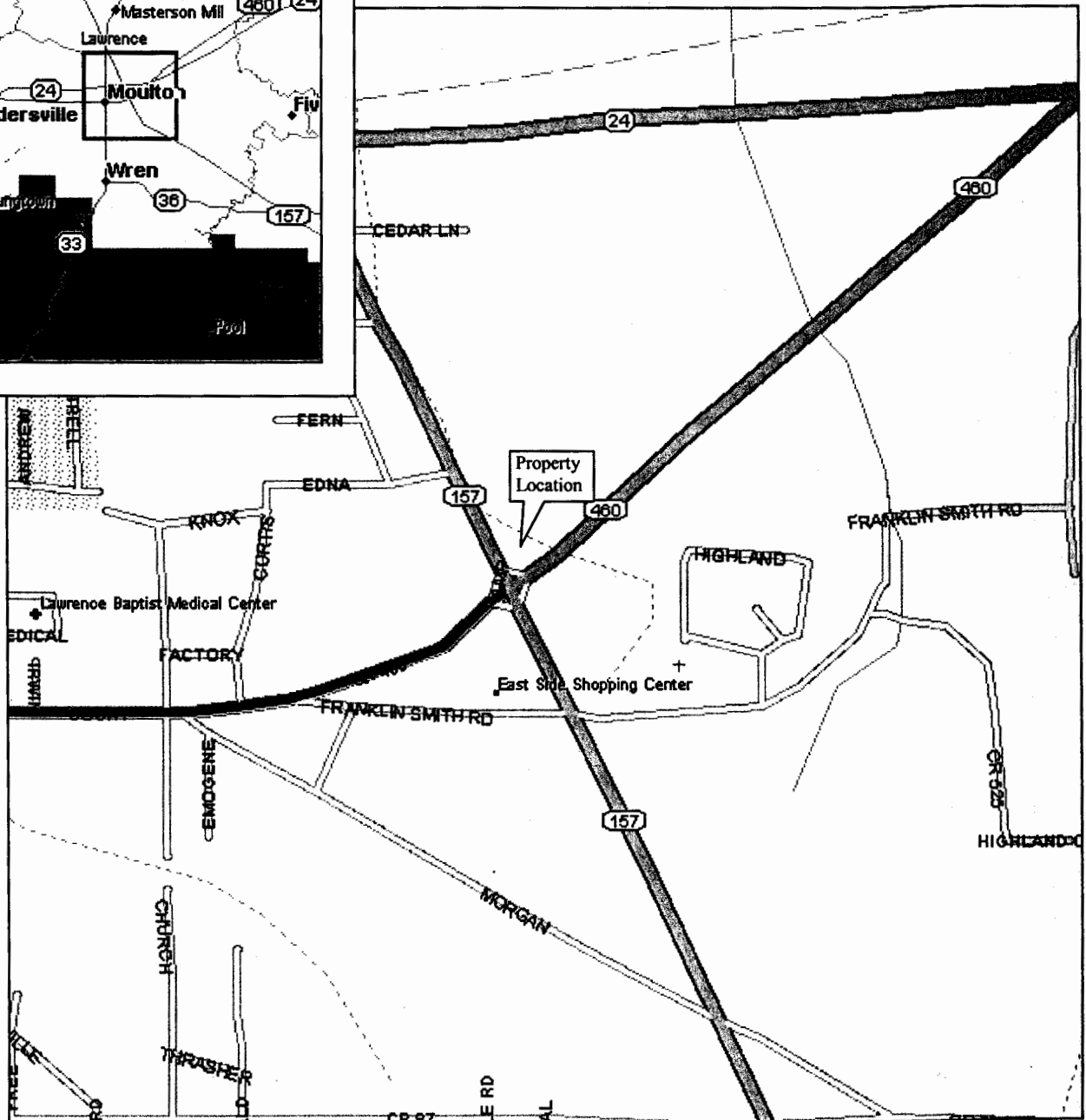
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Regional Map



Site Area Map



Source: DeLorme Mapping

Scale: 1:15625

Checked By: ARD

Drawn By: LRT

Date: 7/8/05



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Site Location Map

Project: Proposed Retail Facility

Location: Hwy 157 & CR 460, Moulton, AL

Number: 1751-05-050A

Figure No.

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